

ECF

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-07673-DAB**

Pakter v. New York City Department of Education et al  
Assigned to: Judge Deborah A. Batts  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/02/2008  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**David Pakter**

represented by **Joy Hochstadt**  
Joy Hochstadt P.C  
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New York , NY 10024  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**New York City Department of  
Education**  
*formerly known as*  
Board of Education of the City School  
District of The City of New York

represented by **Larry Rafael Martinez**  
NYC Law Department, Office of the  
Corporation Counsel(NYC)  
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Email: lmartine@law.nyc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Joel I. Klein**  
*as chancellor of the City School District  
of the City of New York*

represented by **Larry Rafael Martinez**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Michael LaForgia**

represented by **Larry Rafael Martinez**  
(See above for address)  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Defendant**

**Judith Rivera**

represented by **Larry Rafael Martinez**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Philip Crowe**

*TERMINATED: 06/01/2009*

represented by **Larry Rafael Martinez**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Sonia Stuart**

represented by **Larry Rafael Martinez**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Alexis Penzell**

represented by **Larry Rafael Martinez**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Madeleine Appell**

represented by **Larry Rafael Martinez**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Mary Ann Geist-Deninno**

represented by **Larry Rafael Martinez**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**John Lachky**

represented by **Larry Rafael Martinez**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Harold Mason**

represented by **Larry Rafael Martinez**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Hilda Nieto**

represented by **Larry Rafael Martinez**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Giovanni Raschilla**

represented by **Larry Rafael Martinez**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Dr. Audrey Jacobson**

represented by **Larry Rafael Martinez**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Dr. Ann Garner**

represented by **Larry Rafael Martinez**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Dr. Eliane Meyer**

*TERMINATED: 06/01/2009*

represented by **Larry Rafael Martinez**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Dr. Richard Schuster**

represented by **Jonathan D. Rubin**  
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(NYC)  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Dennis John Dozis**

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*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/02/2008	1	COMPLAINT against New York City Department of Education, Joel I. Klein. (Filing Fee \$ 350.00, Receipt Number 661882) Document filed by David Pakter.(rdz) (mbe). (Entered: 09/04/2008)
09/02/2008		SUMMONS ISSUED as to New York City Department of Education, Joel I. Klein. (rdz) (Entered: 09/04/2008)
09/02/2008		Magistrate Judge Kevin N. Fox is so designated. (rdz) (Entered: 09/04/2008)
09/02/2008		Case Designated ECF. (rdz) (Entered: 09/04/2008)
09/02/2008	2 R	ULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by David Pakter.(rdz) (Entered: 09/04/2008)
09/12/2008	3	NOTICE OF APPEARANCE by Larry Rafael Martinez on behalf of New York City Department of Education, Joel I. Klein (Martinez, Larry) (Entered: 09/12/2008)
09/17/2008	4	ENDORSED LETTER addressed to Judge Deborah A. Batts from Larry R. Martinez dated 9/12/08 re: Counsel for Defendants New York City Board of Education and Joel I. Klein request a thirty (30) day extension of time for defendants to file their response. This is defendants' first request for an adjournment and opposing counsel does not oppose this request. ENDORSEMENT: Granted. (Signed by Judge Deborah A. Batts on 9/17/08) (tro) (Entered: 09/18/2008)
10/21/2008	5	MOTION to Dismiss. Document filed by New York City Department of Education, Joel I. Klein. Responses due by 11/5/2008(Martinez, Larry) (Entered: 10/21/2008)
10/21/2008	6	DECLARATION of LARRY R. MARTINEZ in Support re: 5 MOTION to Dismiss.. Document filed by New York City Department of Education, Joel I. Klein. (Attachments: # 1 Exhibit "A", # 2 Exhibit "B" - "C")(Martinez, Larry) (Entered: 10/21/2008)
10/21/2008	7	MEMORANDUM OF LAW in Support re: 5 MOTION to Dismiss.. Document filed by New York City Department of Education, Joel I. Klein. (Martinez, Larry) (Entered: 10/21/2008)
11/07/2008	8	ENDORSED LETTER addressed to Judge Deborah A. Batts from Joy Hochstadt. P.C. dated 11/3/08 re: request a 30 day adjournment of the date to file and serve my opposition to the Defense Motion to dismiss. Mr. Martinez consents to the adjournment on the condition that he has at least two weeks to submit his reply to my Opposition papers. I respectfully suggest that plaintiffs' opposition papers be, consequently, filed/served on or before December 11, 2008, and that the Defense file/serve its reply on or before December 26, 2008 if the Court elects to consider the Defense motion and the proposed Amended Complaint independently. ENDORSEMENT: Granted. (Signed by Judge Deborah A. Batts on 11/7/08) (pl) (Entered: 11/07/2008)

10/15/2009	116	REPLY MEMORANDUM OF LAW in Support re: 95 MOTION to Dismiss. <i>and in Opposition to Plaintiff's Cross Motion for Miscellaneous Relief.</i> Document filed by Richard Schuster. (Dozis, Dennis) (Entered: 10/15/2009)
10/15/2009	117	CERTIFICATE OF SERVICE of Declaration in Further Support of Motion served on Joy Hochstadt, Esq. and Larry Martinez, Esq. on 10-15-2009. Document filed by Richard Schuster. (Dozis, Dennis) (Entered: 10/15/2009)
10/15/2009	118	CERTIFICATE OF SERVICE of Reply Memorandum of Law in Further Support of Motion to Dismiss and in Opposition to Plaintiff's Cross Motion for Misc. Relief served on Joy Hochstadt, Esq. and Larry Martinez, Esq. on 10-15-2009. Document filed by Richard Schuster. (Dozis, Dennis) (Entered: 10/15/2009)
11/09/2009	119	MOTION Miscellaneous & Injunctive Relief Related to Spoliation and Retaliation. Document filed by David Pakter.(Hochstadt, Joy) (Entered: 11/09/2009)
11/09/2009	120	MEMORANDUM OF LAW in Support re: 119 MOTION Miscellaneous & Injunctive Relief Related to Spoliation and Retaliation.. Document filed by David Pakter. (Hochstadt, Joy) (Entered: 11/09/2009)
11/13/2009	121	DECLARATION of Plaintiff David Pakter in Support re: 119 MOTION Miscellaneous & Injunctive Relief Related to Spoliation and Retaliation.. Document filed by David Pakter. (Hochstadt, Joy) (Entered: 11/13/2009)
11/17/2009	122	REPLY AFFIDAVIT of David Pakter in Support re: 119 MOTION Miscellaneous & Injunctive Relief Related to Spoliation and Retaliation.. Document filed by David Pakter. (Hochstadt, Joy) (Entered: 11/17/2009)
11/18/2009	123	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT (LETTER) - REPLY MEMORANDUM OF LAW in Support re: 119 MOTION Miscellaneous & Injunctive Relief Related to Spoliation and Retaliation.. Document filed by David Pakter. (Hochstadt, Joy) Modified on 11/19/2009 (jar). (Entered: 11/18/2009)
11/18/2009	124	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT (LETTER) - NOTICE of Filing of Supplemental Authority re: 123 Reply Memorandum of Law in Support of Motion, 119 MOTION Miscellaneous & Injunctive Relief Related to Spoliation and Retaliation., 120 Memorandum of Law in Support of Motion. Document filed by David Pakter. (Attachments: # 1 Affidavit Certificate of Service)(Hochstadt, Joy) Modified on 11/19/2009 (jar). (Entered: 11/18/2009)
11/18/2009	125	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT (Reference Order (unsigned)) - NOTICE of Consent for Referral pursuant to 28 USC 636 (c) re: 119 MOTION Miscellaneous & Injunctive Relief Related to Spoliation and Retaliation.. Document filed by David Pakter. (Attachments: # 1 Affidavit Certificate of service)(Hochstadt, Joy) Modified on 11/19/2009 (jar). (Entered: 11/18/2009)
11/18/2009		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. 123 HAS BEEN REJECTED. Note to Attorney Joy

		Hochstadt : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (jar) (Entered: 11/19/2009)
11/18/2009		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. 124 HAS BEEN REJECTED. Note to Attorney Joy Hochstadt : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (jar) (Entered: 11/19/2009)
11/18/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Joy Hochstadt to E-MAIL Document No. 125 Reference Order (unsigned) to judgments@nysd.uscourts.gov. This document is not filed via ECF. (jar) (Entered: 11/19/2009)
11/24/2009	126	ENDORSED LETTER addressed to Judge Debra A. Batts from Larry R. Martinez dated 11/20/2009 re: In our previous letter dated November 19, 2009, City defendants requested an extension of time to respond to plaintiffs motion for miscellaneous relief until December 1, 2009. ENDORSEMENT: Granted. ( Responses due by 12/1/2009) (Signed by Judge Deborah A. Batts on 11/24/2009) (jmi) (Entered: 11/24/2009)
11/30/2009	127	DECLARATION of LARRY R. MARTINEZ in Opposition re: 119 MOTION Miscellaneous & Injunctive Relief Related to Spoliation and Retaliation.. Document filed by New York City Department of Education, Joel I. Klein, Michael LaForgia, Judith Rivera, Philip Crowe, Sonia Stuart, Alexis Penzell, Madeleine Appell, Mary Ann Geist-Deninno, John Lachky, Harold Mason, Hilda Nieto, Giovanni Raschilla, Audrey Jacobson, Ann Garner, Eliane Meyer. (Attachments: # 1 Exhibit A - C, # 2 Exhibit D - E, # 3 Exhibit F, # 4 Exhibit G)(Martinez, Larry) (Entered: 11/30/2009)
11/30/2009	128	MEMORANDUM OF LAW in Opposition re: 119 MOTION Miscellaneous & Injunctive Relief Related to Spoliation and Retaliation.. Document filed by New York City Department of Education, Joel I. Klein, Michael LaForgia, Judith Rivera, Philip Crowe, Sonia Stuart, Alexis Penzell, Madeleine Appell, Mary Ann Geist-Deninno, John Lachky, Harold Mason, Hilda Nieto, Giovanni Raschilla, Audrey Jacobson, Ann Garner, Eliane Meyer. (Martinez, Larry) (Entered: 11/30/2009)
12/07/2009	129	ORDER that within 10 days of the date of this Order, plaintiff shall submit a one page letter citing authority, whether legal, administrative, or contractual, supporting his request for an order directing that defendant's paychecks not be withheld and that his status not be changed during the pendency of this litigation. The Plaintiff's request for an evidence preservation order and the imposition of sanctions based on the alleged spoliation of evidence is denied. The Court reserves decision on defendant's motion for sanctions. (Signed by Judge Deborah A. Batts on 12/7/09) (dle) Modified on 12/8/2009 (dle). Modified on 12/8/2009 (dle). (Entered: 12/08/2009)

12/21/2009	130	MOTION for Reconsideration re; 129 Order on Motion for Miscellaneous Relief,,. Document filed by David Pakter. (Attachments: # <u>1</u> Supplement Letter Memorandum in support of Motion)(Hochstadt, Joy) (Entered: 12/21/2009)
12/30/2009	131	MEMORANDUM OF LAW in Opposition re: 130 MOTION for Reconsideration re; 129 Order on Motion for Miscellaneous Relief,,. Document filed by New York City Department of Education, Joel I. Klein, Michael LaForgia, Judith Rivera, Philip Crowe, Sonia Stuart, Alexis Penzell, Madeleine Appell, Mary Ann Geist-Deninno, John Lachky, Harold Mason, Hilda Nieto, Giovanni Raschilla, Audrey Jacobson, Ann Garner, Eliane Meyer. (Martinez, Larry) (Entered: 12/30/2009)

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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:08-cv-07673-DAB
<b>Billable Pages:</b>	15	<b>Cost:</b>	1.20